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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,482	08/29/2000	Eric K. Steen	35588/WWM/K163	8579
23363 7590 09/11/2007 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER COLBERT, ELLA	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/650,482

Applicant(s)

STEEN ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-27 are pending in the communication filed 6/18/07. Claims 1, 5, 14 and 16-27 have been amended in the communication filed 9/25/06 with new or additional drawings.
2. The 35 USC 112 second paragraph rejections of claims 1, 14, and 16 and the dependent claims 2-13, 15, and 17-27 in the Office Action dated 12/07/06 are hereby withdrawn in view of Applicants' convincing arguments.

### ***Claim Objections***

3. Claims 17-27 are objected to because of the following informalities: Claims 17-27 recite "pharmacy administration system ...". This is not in agreement with claims 1-16. Claims 1-16 recite "pharmaceutical administrative system ...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,737,539) Edelson et al, hereafter Edelson.

With respect to claim 1, Edelson teaches, A pharmaceutical administrative system comprising: a pharmacy network including a pharmacy server and at least one pharmacy client system, the at least one pharmacy client system configured to accept

Art Unit: 3694

and process orders for medications (col. 7, lines 16-27); and a service center network including a service center server and a service center client system, the service center network coupled to the pharmacy network and configured with a global database including a plurality of formulary records (col. 7, lines 28-32), wherein the service center server supplies the pharmacy server at least one of the plurality of formulary records upon request by the at least one pharmacy client system when at least one of the orders for medication is processed (Fig.'s 6-7-show downloaded formulary information sent to a local pharmacist as part of drug order processing).

With respect to claim 2, Edelson teaches, wherein the global database further includes a plurality of order records, each order record including order information for an order accepted and processed by the at least one pharmacy client system (col. 10, lines 5 - col. 11, lines 1-15).

With respect to claim 3, Edelson teaches, wherein the global database further includes a plurality of customer records, each customer record including contact and formulary information for at least one customer (col. 14, lines 53- col. 15, lines 1-6, col. 17, line 65-col. 18, line 3 –global database, col. 19, lines 45-60, and col. 22, lines 55-65).

With respect to claim 4, Edelson teaches, wherein the global database further includes a plurality of patient records, each patient record including contact information and medication history for at least one patient (col. 16, lines 10-35, col. 19, lines 1-67, and col. 20, line 50-col. 21, line 3).

With respect to claim 5, Edelson teaches, wherein the pharmacy client system is further configured to generate a medication specific label containing medication identification information (col. 26, line 56-col. 27, line 8 and col. 28, lines 21-42).

With respect to claim 6, Edelson teaches, wherein the pharmacy client system is configured to provide updates to the patient, customer, and formulary records in the global database (col. 31, lines 8-21 and lines 51-62).

With respect to claim 7, Edelson teaches, wherein updates to the formulary records include modification to the ingredients of the medication (col. 32, lines 48-59).

With respect to claim 8, Edelson teaches, wherein updates to the modification to the ingredients of the medication include changes to amounts of caloric content in the medication (col. 32, lines 54-59).

With respect to claim 9, Edelson teaches, wherein updates to the modification to the ingredients of the medication include changes to amounts and preferences of electrolytes in the medication (col. 32, lines 54-59).

This dependent claim is rejected for the similar rationale given above for claim 8.

With respect to claim 10, Edelson teaches, wherein the pharmacy client system is configured to verify the updates to the formulary records in the global database (col. 35, lines 23-33).

6. Claims 11-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,737,539) Edelson et al, hereafter Edelson in view of "On-line Medical Dictionary" and further in view of

With respect to claim 11, Edelson failed to teach, wherein the medication specific label is for an intravenous solution and the medication identification information includes a refractive index associated with the intravenous solution. "Online Medical Dictionary" teaches, wherein the medication specific label is for an intravenous solution and the medication identification information includes a refractive index associated with the intravenous solution (page 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Edelson because such a modification would allow Edelson to have the information regarding the refractive index since the refractive index increases with the atomic number of constituent atoms in the in the intravenous solution.

With respect to claim 12, Edelson failed to teach, wherein the medication specific label is for an intravenous solution and the medication identification information includes a level of potassium associated with the intravenous solution. "Online Medical Dictionary" teaches, wherein the medication specific label is for an intravenous solution and the medication identification information includes a level of potassium associated with the intravenous solution (page 4-"ratio"-2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Edelson because such a modification would allow Edelson to use an intravenous solution for medical conditions such as dehydration to put the electrolytes back into a person's body.

With respect to claim 13, Edelson failed to teach, wherein the pharmacy client system is configured to generate a calcium phosphate solubility curve for an order

Art Unit: 3694

accepted and processed by the at least one pharmacy client. "Online Medical Dictionary" teaches, wherein the pharmacy client system is configured to generate a calcium phosphate solubility curve for an order accepted and processed by the at least one pharmacy client (page 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Edelson because such a modification would provide a time release of the compounds of calcium salts of phosphoric acid which are frequently used as calcium supplements.

With respect to claim 18, this dependent claim is rejected for the similar rationale as given above for claim 13.

With respect to claim 19, this dependent claim is rejected for the similar rationale given above for claim 18.

With respect to claim 20, this dependent claim is rejected for the similar rationale given above for claims 18 and 19.

Claims 11-13 and 18-20 are considered non-functional descriptive claim language and are not accordingly given patentable weight.

7. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,737,539) Edelson et al, hereafter Edelson in view of "On-line Medical Dictionary" and further in view of (US 5,845,255) Mayaud.

With respect to claim 14, Edelson failed to teach, further comprising a backup network including a backup server, the service center server replicating records of orders for medication and providing the records replicated to the backup server, the backup server storing the records replicated in a backup database and providing access

to the backup database by the pharmacy network when the service center network is not available for a predetermined amount of time. Mayaud teaches, further comprising a backup network including a backup server, the service center server replicating records of orders for medication and providing the records replicated to the backup server, the backup server storing the records replicated in a backup database and providing access to the backup database by the pharmacy network when the service center network is not available for a predetermined amount of time (col. 17, lines 44-52, col. 46, lines 16-31, and fig. 16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Mayaud in Edelson because such an incorporation would allow Edelson to have a server system where the file server or database management server manages the data storage over a local area network.

With respect to claim 15, Edelson failed to teach, wherein the pharmacy server is configured with a local database containing a subset of formulary records of the plurality of formulary records in the global database that specifically pertains to the pharmacy network. Mayaud teaches, wherein the pharmacy server is configured with a local database containing a subset of formulary records of the plurality of formulary records in the global database that specifically pertains to the pharmacy network (col. 1, lines 46-67, col. 2, lines 1-11, and col. 6, lines 59-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Mayaud in Edelson because such an incorporation would allow Edelson to have



preferred drugs that vary in content and usually determinative of the cost effectiveness of a prescription in a database.

With respect to claim 16, Edelson teaches, wherein the pharmacy client system comprises: an order maintenance unit configured to create an order for medication for at least one customer and at least one patient (col. 35, lines 1-22); a formulary unit coupled to the order maintenance unit and presenting information about the medication to the order maintenance unit (col. 35, lines 23-55); a customer unit coupled to the order maintenance unit and presenting information relating to contact and purchasing information for the at least one customer ordering the medication; and a patient unit coupled to the order maintenance unit and the customer unit and presenting information relating to contact and medical information for the at least one patient, wherein the order maintenance unit is configured to modify the ingredients of the medication and to validate the modifications to the ingredients of the medication (col. 12, lines 42-65, col. 35, line 57-col. 36, line 57 and fig's 6-11 and 15).

With respect to claim 17, Edelson teaches, wherein the medication is an intravenous solution (col. 25, lines 46-55).

8. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,737,539) Edelson et al, hereafter Edelson and further in view of Official Notice.

With respect to claim 21, Edelson failed to teach, wherein the order maintenance unit is configured to generate medication specific labels for the medication. Official Notice is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the order maintenance unit configured to

Art Unit: 3694

generate medication specific labels for the medication to have a prescription delivery system to generate the invoice and label and other documentation prior to delivering the medication to the patient.

With respect to claim 22, Edelson failed to teach, wherein the medication specific labels for the medication includes information about a refractive index of the intravenous solution. Official Notice is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the medication specific labels for the medication include information about a refractive index of the intravenous solution to have the information regarding the refractive index since the refractive index increases with the atomic number of constituent atoms in the in the intravenous solution.

With respect to claim 23, Edelson failed to teach, wherein the medication specific labels for the medication includes information about a level of potassium in the intravenous solution calculated using flame photometry. Official Notice is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the medication specific labels for the medication include information about a level of potassium in the intravenous solution calculated using flame photometry to have a major intracellular action that is widely distributed in the body in muscle tissue, nerve tissue, blood cells, and plasma which is filtered in the glomerulus, absorbed in the proximal tubule and finally excreted by exchange for sodium in the distal tubule. The reliability depends on the proper maintenance of the flame photometer and the salient features. If low serum potassium values are observed due to low intake of dietary

Art Unit: 3694

potassium over a period of time or increased loss through kidney, vomiting or diarrhea and increased secretion of adrenal steroids or some diuretics that promote the loss of potassium a flame photometer (digital flame photometer) for simultaneous measurement is useful in these medical conditions.

9. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,737,539) Edelson et al, hereafter Edelson and Official Notice and further in view of (US 5,758,095) Albaum et al, hereafter Albaum.

With respect to claim 24, Edelson failed to teach, the pharmacy client system of claim 23 wherein the modifications to the ingredients of the medication includes modifications to caloric content of the medication. Albaum teaches, the pharmacy client system of claim 23 wherein the modifications to the ingredients of the medication includes modifications to caloric content of the medication (col. 10, lines 17-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Albaum in Edelson because such an incorporation would allow Albaum to know how many calories are in each portion of the medication and how many calories are being ingested each day especially if the patient is on a weight loss regime or has a medical condition that requires knowing how many calories are in each portion of the medication.

With respect to claim 25, this dependent claim is rejected for the similar rationale given above for claim 24.

With respect to claim 26, Edelson failed to teach, wherein the modifications to the ingredients of the medication includes modifications to electrolytes in the medication.

Art Unit: 3694

Official Notice is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substances that dissociates into two or more ions, to some extent, in water.

With respect to claim 27, this dependent claim is rejected for the similar rationale as given above for claim 26.

### **Inquiries**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

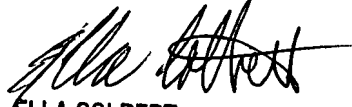
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/650,482  
Art Unit: 3694

Page 12

August 30, 2007

  
ELLA COLBERT  
PRIMARY EXAMINER